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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 ARIANA MASON,

8 Plaintiff(s),

Case No. 2:15-CV-738 JCM (NJK)

ORDER

9 v.

10 OFFICER S. IZZO, et al.,

11 Defendant(s).
12

13 Presently before the court is plaintiff Ariana Mason's motion for Federal Rule of Civil
14 Procedure 54(b) certification. (ECF No. 36).

15 On December 22, 2016, the court entered an order granting summary judgment in favor of
16 defendants on plaintiff's § 1983, *Monell*, and negligent training and supervision claims. (ECF No.
17 26).

18 In the instant motion, plaintiff moves for Rule 54(b) certification on the federal claims
19 against defendants the Las Vegas Metropolitan Police Department and officer Izzo and for a stay
20 pending certification. (ECF No. 36). Plaintiff argues that 54(b) certification is proper to allow her
21 federal claims to be resolved by the Ninth Circuit prior to trial going forward on her state law
22 claims. (ECF No. 36).

23 Federal Rule of Civil Procedure 54(b) provides as follows:

24 When an action presents more than one claim for relief—whether as a claim,
25 counterclaim, crossclaim, or third-party claim—or when multiple parties are
26 involved, the court may direct entry of a final judgment as to one or more, but fewer
27 than all, claims or parties only if the court expressly determines that there is no just
28 reason for delay. Otherwise, any order or other decision, however designated, that
adjudicates fewer than all the claims or the rights and liabilities of fewer than all
the parties does not end the action as to any of the claims or parties and may be
revised at any time before the entry of a judgment adjudicating all the claims and
all the parties' rights and liabilities.

1 Fed. R. Civ. P. 54(b).

2 Moreover, the Ninth Circuit has found that “[a] similarity of legal or factual issues will
3 weigh heavily against entry of judgment under the rule, and in such cases a Rule 54(b) order will
4 be proper only where necessary to avoid a harsh and unjust result, documented by further and
5 specific findings.” *Frank Briscoe Co. v. Morrison-Knudsen Co.*, 776 F.2d 1414, 1416 (9th Cir.
6 1985) (quoting *Morrison-Knudsen Co. v. Archer*, 655 F.2d 962, 965 (9th Cir. 1981)).

7 Here, plaintiff fails to set forth any harsh or unjust results in absence of a Rule 54(b)
8 certification. Further, plaintiff fails to explain why she waited over six months before filing the
9 instant motion. Pursuant to the pretrial order entered April 10, 2017, trial has been set for October
10 30, 2017. (ECF No. 33).

11 In light of the foregoing, the court declines to certify its December 22nd order and will
12 deny plaintiff’s motion.

13 Accordingly,

14 IT IS HEREBY ORDERED that plaintiff’s motion for Federal Rule of Civil Procedure
15 54(b) certification (ECF No. 36) be, and the same hereby is, DENIED.

16 DATED June 20, 2017.

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18 UNITED STATES DISTRICT JUDGE